<u>REMARKS</u>

The present application has been reviewed in light of the Office Action dated August 8, 2006, and the Advisory Action dated December 27, 2006. A Request for Continued Examiner (RCE) and a request for a three-month suspension of action were filed on January 8, 2007.

Claims 1-18 are presented for examination, of which Claims 1, 12, and 18 are in independent form. Claims 1-13 have been amended as to matters of form and/or to define Applicants' invention more clearly. New Claims 14-18 have been added to provide Applicants with a more complete scope of protection. Favorable consideration is respectfully requested.

Claims 1-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,385,591 (*Angles*), in view of U.S. Patent Application Publication No. 2003/0144913 (*Greenberg*).

The aspect of the present invention set forth in Claim 1 is directed to a method, performed by an interface device, for facilitating interaction between a consumer and a merchant. This method includes receiving by the interface device offer information from the merchant via a broadcast that reaches a plurality of potential consumers, wherein the offer information relates to a product. The method also includes retrieving by the interface device consumer preference information from a database associated with the consumer, customizing by the interface device the offer information received from the merchant via the broadcast according to the consumer preference information to create an amended offer for the consumer, and transmitting from the interface device the

amended offer to a display for viewing by the consumer, wherein the amended offer specifies a method of acceptance. The method further includes receiving by the interface device an acceptance of the amended offer from the consumer, wherein the acceptance is associated with the amended offer and the acceptance includes a security feature, wherein the security feature is an identifier transmitted from a communication device used to perform the acceptance. Also, the method includes amending by the interface device the acceptance with consumer payment information and identification information to create an amended acceptance, and transmitting by the interface device the amended acceptance to the merchant.

One notable feature of Claim 1 is the step of "customizing by the interface device the offer information received from the merchant via the broadcast according to the consumer preference information to create an amended offer for the consumer." By virtue of this feature of Claim 1, once the interface device receives offer information and retrieves consumer preference information from a database, it then customizes the offer information to create an amended offer. An amended offer is an offer that has been customized for a consumer based upon that consumer's preference information stored in a database. Therefore offer information is customized by the interface device after it is received from a merchant. As a result merchants do not have to track individual consumer preferences in order to send customized (personalized) messages to them since the information which is used to tailor the offer to the particular consumer is located on a database in communication with the interface device. This feature benefits merchants and consumers by facilitating the interaction between both parties with an interface device.

Other notable features of Claim 1 are the steps of (1) "receiving by the interface device an acceptance of the amended offer from the consumer, wherein the acceptance is associated with the amended offer and the acceptance includes a security feature, wherein the security feature is an identifier transmitted from a communication device used to perform the acceptance;" (2) "amending by the interface device the acceptance with consumer payment information and identification information to create an amended acceptance;" and (3) "transmitting by the interface device the amended acceptance to the merchant." By virtue of these features of Claim 1 the consumer need not attach payment information or identification information to an acceptance, because the interface device also amends the acceptance with this information. Particularly the interface device facilitates the actions required by the consumer to make a purchase. Thus, after the consumer has seen and accepted the amended offer, the consumer's acceptance is amended with consumer payment information and identification information by the interface device before the amended acceptance is sent to the merchant. By doing so, the consumer can perform purchase transactions more efficiently by not having to input payment and identification information for each merchant they communicate with, nor do merchants need to store such information for their customers.

As understood by Applicants, in *Angles* the sender of the offer information customizes the information before the information is sent. (*Angles* Fig. 3, step 310; and Fig. 4, arrow F). Applicants have not found anything in *Angles* that would teach or suggest "customizing by the interface device the offer information received from the merchant via the broadcast according to the consumer preference information to create an amended offer for the consumer." Thus, a notable distinction exists between Claim 1

and *Angles* between who or what performs the customization of offers and when the customization occurs.

Furthermore, nothing has been found by Applicants in *Greenberg* that remedies the deficiencies of *Angles* as teaching or suggesting an interface device "customizing by the interface device the offer information received from the merchant via the broadcast according to the consumer preference information to create an amended offer for the consumer," as recited in Claim 1.

Apparently in the *Greenberg* system, the payment transaction takes place directly between the consumer and the merchant, since the merchant has payment information pre-stored to complete the transaction (*Greenberg,* paragraph 21). According to *Greenberg*:

> … In some embodiments, in which individualized emails are directed toward targeted customers, the information in these fields may be inserted into the email in advance. In still other embodiments, emails to existing customers may include a customer identification code which is transmitted to the transaction server 320 when a "Purchase Using Default Options" button is activated. In these embodiments, the customer code sent <u>to the merchant</u> is all that is needed as <u>the merchant</u> may have <u>pre-stored</u> all of the information needed to complete the transaction…Of course, emails in such an embodiment may also provide the customer with the opportunity to modify the default information.

(paragraph 21, emphasis added).

In contrast to *Greenberg,* Claim 1 provides that, an interface device, not a merchant, receives acceptance information from a consumer and includes security information transmitted from a communication device used to perform the acceptance. After the acceptance is received the interface device amends the acceptance with

consumer payment information and identification information to create an amended acceptance. It is only after the acceptance is amended that the interface device transmits the amended acceptance to the merchant. Merchants are not required to have payment information pre-stored for consumers because the payment information (i.e. from a database in communication with the interface device) will be added to the acceptance information by the interface device before the amended acceptance reaches the merchant. Therefore, *Greenberg* does not teach or suggest the steps performed by an interface device of (1) "receiving by the interface device an acceptance of the amended offer from the consumer, wherein the acceptance is associated with the amended offer and the acceptance includes a security feature, wherein the security feature is an identifier transmitted from a communication device used to perform the acceptance;" (2) "amending by the interface device the acceptance with consumer payment information and identification information to create an amended acceptance;" and (3) "transmitting by the interface device the amended acceptance to the merchant," as recited in Claim 1.

For each of the forgoing reasons, Applicants submit that Claim 1 is patentable over *Angles* and *Greenberg*, taken separately or in any permissible combination (if any).

Accordingly, Applicants submit that Claim 1 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

Additionally, independent Claims 12 and 18 include similar features discussed above in connection with Claim 1. Accordingly, Claims 12 and 18 are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

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The other rejected claims in this application depend from one or the other of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable consideration and an early allowance of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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